IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:14-CT-3186-D

CLYDE LEE POOLE, JR.,)	
Plaintiff,)	
v.)	ORDER
BUTCH JACKSON, et al.,)	
Defendants.)	

On July 2, 2015, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") [D.E. 11]. In the M&R, Judge Numbers recommended that plaintiff's motion for a voluntary dismissal of his complaint be dismissed as most and that his motion for a refund of filing fees be denied. See id. Neither party objected to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Id.</u> (quotation omitted).

The court has reviewed the M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 11]. Plaintiff's motion for a voluntary dismissal of his complaint [D.E. 10] is DISMISSED as moot, and his motion for a refund of filing fees is DENIED. The clerk shall close the case.

IAMES C. DEVER III

Chief United States District Judge